

REMARKS

The Office Action dated July 9, 2004 has been carefully considered. The present Substitute Amendment is intended to be a complete response and to place the case in condition for allowance.

In the Action, the Examiner has stated informalities with the claim of priority. In the Abstract, the Examiner has objected to the legal phrasing such as “means” or “said.” Claims 40-42 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 40-42 are rejected under 35 USC § 103(a) as being obvious over U.S. Patent No. 5,828,575 (Sakai) in view of either JP 11-000718 or JP 10-225724.

The Abstract has been amended to address the Examiner’s objections. Reconsideration and withdrawal of the objections are respectfully requested.

The specification has been amended to set forth the claim of copendency back to the national stage entry based upon a PCT application. A proper claim of priority is now set forth. Reconsideration and withdrawal of the objection to the claim of priority are respectfully requested.

With respect to indefiniteness rejection under § 112, claim 40 is amended by changing “divided tools,” “the tool magazine” and “the tool (cross section shape) type” which are indicated by the Examiner into “the divided tools,” “a tool magazine” and the “the tool type,” respectively, and to recite “divided tools each having a tool type.” Claim 41 is amended to correct the typographical errors identified by the Examiner. These amendments are clarifying

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in nature and are not intended to be, nor believed to be, narrowing. Reconsideration and withdrawal of the § 112 rejections are respectfully requested.

Applicants respectfully traverse the § 103 rejection. U.S. Patent No. 5,828,575 (Sakai) is related to an apparatus and method for storing design and manufacturing information in the form of electronic data so as to be accessible from any location in a factory. Sakai discloses a job scheduling system that determines which machines are best suited for doing particular jobs, which machines are available to perform a particular job, or the like. JP 11-000718 and JP 10-225724 discloses a tool exchange device that automatically exchanges tools between a bending machine and tool storage shelves.

However, these applied patent documents fail to disclose determining a production order for a bending machine according to present positions of tools to be used in producing bent products, so that bent products that use tools mounted on the bending stations or tools housed in the tool housing devices are manufactured before manufacturing bent products that use tools housed in the tool magazine provided outside the bending press. These applied patent documents also give no suggestion of such production order determination. As such, there is no basis for the combination of references. Reconsideration and withdrawal of the § 103 rejection are respectfully requested.

As all grounds of objection and rejection have been addressed and overcome, entry of this Substitute Amendment and issuance of a Notice of Allowance of the pending claims, as now presented, are respectfully solicited.

In the event that there are any questions relating to this Substitute Amendment or to the application in general, it would be appreciated if the examiner would telephone the

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undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (000004-00682). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicants hereby petition under 37 C.F.R. 1.136(a) for an extension of time for as many months as are required to render this submission timely.

Any fees due are authorized above.

Respectfully submitted,

Ichio AKAMI et al.

By: Michael D. White

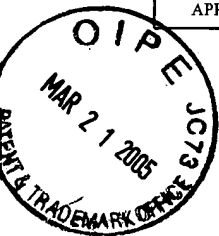
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BLANK ROME LLP
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Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED
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Action Due Due Date

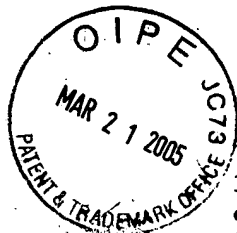
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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11/9/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
 - ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable.**

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION (including a submission for an RCE)**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an **Advisory Action**. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

Kata Kent
Legal Instruments Examiner (LIE)

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